

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MARK A. FAVORS, et al.,

Plaintiffs,

ORDER

-against-

11-CV-5632 (DLI)(RR)(GEL)

ANDREW M. CUOMO,
as Governor of the State of New York,
et al.,

Defendants.
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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Given the March 12th deadline by which this Court must issue its report and recommendation on a new Congressional redistricting plan for the State of New York, as well as the number of parties and non-parties providing input into the process and expected to participate in the proceeding scheduled for Monday, it was not the Court's intention to conduct a trial-type evidentiary hearing on March 5th. Instead, the hearing will proceed in the manner herein described.

Each group of parties will be given up to twenty (20) minutes to present its argument to the Court. Counsel representing parties with similar interests are encouraged to decide in advance which attorney will address a particular issue; the Court will not entertain repetitive arguments. Each party group may reserve up to three (3) minutes of its time to present a brief response, at the conclusion of the party presentations, to the other parties' arguments. Such responses must be limited to correcting misstatements of fact or law, and may not include new or repetitive affirmative arguments.

Time permitting, interested non-parties who have submitted proposed plans or

substantive comments and have registered by today's deadline may be afforded up to five (5) minutes to address the Court. Non-parties and organizations with affiliated interests are encouraged to select one representative to speak on their behalf for the allotted time. Non-party presentations must be limited to the topic of New York State Congressional redistricting.

A question has been raised about the presentation of expert testimony at the hearing. See Letter by Donna Kaye Drayton (Mar. 1, 2012), ECF Docket Entry ("DE") #152. The Court has reviewed the submissions that have been filed thus far, including but not limited to the declaration of Dr. Andrew Beveridge and accompanying exhibits, which were submitted by Intervenor-Plaintiffs Drayton, Ellis, Forrest, Johnson, Woolley, and Wright. See Declaration of Andrew Beveridge With Attachments, DE #140. To the extent that any parties or non-parties wish to supplement any previously submitted expert evidence at the hearing, the Court will allow them to allot all or a portion of their argument time to an oral presentation by their expert.

SO ORDERED.

**Dated: Brooklyn, New York
March 2, 2012**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**